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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 07-0594 PJH
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	TO AMEND DATES FOR MOTION TO
v.)	SUPPRESS AND JURY TRIAL SCHEDULES,
)	AND TO EXCLUDE TIME UNDER 18 U.S.C.
JEFFREY HARRISON,)	§ 3161
)	
Defendant.)	
)	

On January 8, 2008, the parties appeared before this Court and set dates for a Motion to Suppress and Jury Trial date. The parties agreed to the following schedule for the Motion to Suppress:

Defendant's Motion to Suppress Evidence:	January 30, 2008
Government's Opposition Filing Date:	February 13, 2008
Defendant's Reply Filing Date:	February 20, 2008
Hearing on Defendant's Motion:	March 5, 2008, at 2:30 pm.

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1 On January 30, 2008, following submission of a Stipulation, the Court amended the
2 briefing as follows:

3 Defendant's Motion to Suppress Evidence: February 1, 2008
4 Government's Opposition Filing Date: February 15, 2008
5 Defendant's Reply Filing Date: February 22, 2008.

6 The date for the Hearing remained the same.

7 On February 2, 2008, counsel for the Government was injured in an accident and has
8 been on medical leave for much of the time since that date. Counsel for the government will be
9 working part-time on February 13-15, 2008 and February 19, 2008. However, on February 20,
10 2008, counsel for the government will have a knee surgery, necessitating additional estimated
11 two weeks medical leave following the surgery. Although counsel for the government intends to
12 return to work as soon as possible, she has been advised by her doctor that she should plan for a
13 two-weeks absence following the surgery. Defense counsel does not oppose a short continuance
14 to the filing date of the Government's Opposition based on AUSA Barton's current medical
15 situation.

16 In light of this circumstance and to afford counsel adequate time to prepare pre-trial
17 filings and, thereafter, to prepare for the hearing and trial, the parties request the following
18 amendments to the previously ordered schedule. For the Motion to Suppress, the parties request
19 the following:

20 Government's Opposition Filing Date: March 7, 2008
21 Defendant's Reply Filing Date: March 21, 2008
22 Hearing on Defendant's Motion: April 9, 2008, at 2:30 pm
23 Evidentiary Hearing (if granted): April 16, 2008 at 2:30 pm.

24 With respect to the trial schedule, on January 8, 2008, the parties agreed to the following:

25 Pre-Trial Conference: April 2, 2008
26 Trial: April 14, 2008.

27 On January 9, 2008, the Court issued an *Order For Pretrial Preparation For Criminal Jury Trial*
28 setting pretrial filing dates in relation to the Pre-Trial Conference and Trial dates. For the

reasons set forth above and, in consideration of any continuance to the Motions Hearing date, the parties request the following amendments to the previously ordered trial schedule:

Pre-Trial Conference: May 7, 2008

Trial: May 19, 2008.

The parties agree that the time between February 1, 2008, the date the defendant filed the Motion to Suppress, and April 9, 2008, the date proposed for a hearing on the Motion to Suppress, is properly excluded pursuant to the Speedy Trial Act, Title 18 United States Code, section 3161(h)(1)(F). The parties further agree that, even in the absence of the defendant filing the Motion to Suppress, this time is properly excluded pursuant to the Speedy Trial Act, Title 18 United States Code, sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv) for effective preparation and continuity of counsel.

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: February 14, 2008

/s/

DENISE MARIE BARTON
Assistant United States Attorney

DATED: February 14, 2008

/s/

NANCY L. CLARENCE
EDWIN K. PRATHER
CRAIG H. BESSENGER
Attorneys for JEFFREY HARRISON

For the foregoing reasons, the Court amends the briefing schedule and the date for a Hearing on the Motion to Suppress in the manner set forth above. The Court further amends the trial schedule as follows:

Pre-Trial Conference: May 7, 2008

Trial: May 19, 2008.

The Court also vacates the *Order For Pretrial Preparation For Criminal Jury Trial* dated

1 January 9, 2008.

2 For the reasons stated above, the Court finds that the time between February 1, 2008, the
3 date the defendant filed the Motion to Suppress, and April 9, 2008, the date proposed for a
4 hearing on the Motion to Suppress, is properly excluded pursuant to the Speedy Trial Act, Title
5 18 United States Code, section 3161(h)(1)(F). The Court further finds, for the foregoing reasons,
6 that the ends of justice served by granting the requested continuance outweigh the best interests
7 of the public and the defendant in a speedy trial and failure to do so would deny government
8 counsel continuity of counsel and reasonable time for effective preparation, taking into account
9 the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A) and § 3161(h)(8)(B)(iv).
10 Accordingly, time shall be excluded from February 1, 2008 through April 9, 2008.

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13 SO ORDERED.

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16 DATED: _____

17 HONORABLE PHYLLIS J. HAMILTON
18 United States District Court Judge
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